

# SITTING AS COURT OF IMPEACHMENT

## JOURNAL OF THE SENATE

Monday, July 8, 1957

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The Senate convened at 11:00 o'clock A. M., pursuant to the order taken on Tuesday, May 28, 1957, on motion of Senator Davis, for the purpose of trying the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, on the Article of Impeachment preferred against him by the House of Representatives and exhibited to the Senate on May 28, 1957, by the Managers appointed by the House of Representatives.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Carlton	Getzen	Morgan
Barber	Carraway	Hair	Neblett
Beall	Clarke	Hodges	Pearce
Belser	Connor	Houghton	Pope
Bishop	Davis	Johns	Rawls
Brackin	Dickinson	Johnson	Rodgers
Branch	Eaton	Kelly	Stenstrom
Bronson	Edwards	Kickliter	
Cabot	Gautier	Knight	

—34.

A quorum present.

The President announced the appointment of Senators Davis, Clarke and Rawls as the committee to prepare and submit rules to govern the procedure of the Senate while sitting as a Court of Impeachment, and called upon the committee for a report.

Whereupon the following report of the committee was received and read:

July 8, 1957.

*The Honorable W. A. Shands,*  
*President of the Senate.*

*Sir:*

Your committee appointed to prepare and submit rules recommends the adoption of the following rules to govern the procedure of the Senate while sitting as a Court of Impeachment:

### FLORIDA

#### RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON THE TRIAL OF IMPEACHMENTS.

1. Whensoever the Senate shall receive notice from the House of Representatives that Managers are appointed on their part to conduct an impeachment against any person, and are directed to carry Articles of Impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the Managers for the purpose of exhibiting such Articles of Impeachment agreeable to said notice.

2. When the Managers of an impeachment shall be introduced at the bar of the Senate, and shall signify that they are ready to exhibit Articles of Impeachment against any person, the presiding officer of the Senate shall direct the Sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the State of Florida Articles of Impeachment against \_\_\_\_\_," after which the Articles shall be exhibited, and then the presiding officer of the Senate shall inform the Managers that the Senate will take proper order on the subject of the impeachment, of which due notice

shall be given to the House of Representatives or to the Managers when the House is not in session.

3. Upon such Articles being presented to the Senate, the Senate shall, at 11:00 o'clock A. M., of the day fixed to commence the consideration of such Articles proceed to the consideration of such Articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the Articles of Impeachment, the presiding officer shall administer the oath hereinafter provided to the members of the Senate then present, and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

4. The Chief Justice of the Supreme Court of the State of Florida shall preside at all trials by impeachment except in the trial of the Chief Justice, when the Governor shall preside, and notice shall be given to him by the presiding officer of the Senate of the time and place fixed for the consideration of the Articles of Impeachment, as aforesaid, with a request to attend, and the Chief Justice shall preside over the Senate during the consideration of said Articles, and upon the trial of the person impeached therein.

5. The presiding officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

6. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of and disobedience to its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules and regulations, which it may deem essential or conducive to the ends of justice. And the Sergeant-at-Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

7. The presiding officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer upon the trial shall direct all the forms of proceeding while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. The presiding officer of the court may rule on all questions of evidence and incidental questions, which rulings stand as the judgment of the court, unless some member of the court shall ask that a formal vote be taken thereon, in which case it shall be submitted to the court for decision, or he may, at his option, in the first instance submit any such question to a vote of the members of the court.

8. Upon the presentation of Articles of Impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall be issued to the accused, unless the accused waive the issuance of such writ and service thereof and voluntarily appears at the bar of the Senate, reciting said Articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer or plea to said Articles of Impeachment, and to stand and to abide the orders and judgments of the Senate thereon; which writs shall be served by such officers or person as shall be named in the precept thereof, at least one day prior to the day fixed for such appearance, as shall be named in such precept, either by the delivery of an attested copy thereof to the person accused, or, if that cannot conveniently be done by leaving

such copy at last known place of abode of such person, or at his usual place of business, in some conspicuous place therein; or if such service shall be, in judgment of the Senate, impracticable, notice to the accused to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or appearing, shall fail to file his answer to such Articles of Impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty which may be entered by the presiding officer for the accused. If a plea of guilty shall be entered judgment may be entered thereon without further proceedings.

9. At 11:00 o'clock A. M., of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, if in legislative session, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz:

"I, \_\_\_\_\_ do solemnly swear that the return made by me upon the process issued on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the Senate of the State of Florida against \_\_\_\_\_ is truly made, and that I have performed such service as therein described; so help me God."

Which oath shall be entered at large on the records. Should service of summons be waived then this oath may be dispensed with.

10. The person impeached shall then be called to appear and answer or plead to the Articles of Impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing, and the capacity in which he appears. If he do not appear, either personally or by agent or attorney, the same shall be recorded.

11. At 11:00 o'clock A. M., of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be suspended, if in legislative session, and the Secretary shall give notice to the House of Representatives, if the House be in session, and if not in session, then to the board of managers that may have been named by the House, that the Senate is ready to proceed upon the impeachment of \_\_\_\_\_, in the Senate chamber, which chamber is prepared with accommodations for the reception of the House of Representatives, if the House be in session, and if the House be not in session, is ready to receive the board of managers that may have been appointed by the House.

12. The hours of the day at which the Senate shall sit upon the trial of an impeachment shall be 10:00 o'clock A. M., to 12:00 o'clock Noon; and 2:00 o'clock P. M., to 4:00 o'clock P. M., daily except Sundays, unless otherwise ordered by the Senate; and when the hour for such sitting shall arrive, the presiding officer of the Senate shall so announce; and thereupon the presiding officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate if in legislative session, but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

13. The proceedings of the Senate while sitting as a court of impeachment shall be recorded under the direction of the Secretary of the Senate, and published within 90 days after the final adjournment of the court of impeachment. Two copies of the record of the proceedings together with two attested copies of the transcript of testimony shall be filed as a permanent record of the Senate. One copy of the record of proceedings together with one copy of the transcript of testimony shall be filed in the office of the Attorney General of Florida.

14. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

15. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

16. Witnesses shall be examined by one person on behalf

of the party producing them, and then cross-examined by one person on the other side, unless otherwise authorized by the presiding officer.

17. If a Senator is called as a witness he shall be sworn and give his testimony standing in his place, unless otherwise authorized by the presiding officer.

18. If a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn) it shall be reduced to writing, and put by the Chief Justice of the Supreme Court as Presiding Officer.

19. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions.

20. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one-half hour on each side, unless the Senate shall, by order, extend the time.

21. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate, upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives or its managers or attorneys.

22. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each Article of Impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the concurrence of two-thirds of the Senators present, a judgment of acquittal shall be entered; but if the person accused in such Articles of Impeachment shall be convicted upon any of said Articles by the concurrence of two-thirds of the Senators present, the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

23. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, subject, however, to the operation of rule 7, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question and for not more than five minutes on an interlocutory question, and for not more than ten minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present.

24. A. Witnesses shall be sworn in the following form, namely:

"You, \_\_\_\_\_, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the State of Florida and \_\_\_\_\_ shall be the truth, the whole truth, and nothing but the truth; so help you God."

Which oath shall be administered by the Secretary or any other duly authorized person.

B. Form of subpoena to be issued on the application of the Managers of the impeachment, or of the party impeached, or of counsel:

The State of Florida, to \_\_\_\_\_, greeting:

You and each of you are hereby commanded to appear before the Senate of the State of Florida on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the Senate Chamber, in the Capitol building, in the City of Tallahassee, then and there to testify your knowledge in the cause which is before the Senate, in which the House of Representatives has impeached \_\_\_\_\_.

Fail not.

Witness \_\_\_\_\_ and presiding officer of the Senate, at the City of Tallahassee, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, 19\_\_\_\_.

C. Form of direction for the service of said subpoena:

The State of Florida, to \_\_\_\_\_, greeting:

You are hereby commanded to serve and return the within subpoena according to law.

Dated at Tallahassee, Florida, this \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord, 19\_\_\_\_\_.

Secretary of the Senate

D. Form of oath to be administered to the members of the Senate sitting in the trials of impeachments:

"I solemnly swear (or affirm, as the case may be), that in all things appertaining to the trial of the impeachment of \_\_\_\_\_, now pending, I will do impartial justice according to the Constitution and Laws of the State of Florida; so help me God."

E. Form of summons to be issued and served upon the person impeached:

The State of Florida to \_\_\_\_\_,  
greeting:

Whereas, The House of Representatives of the State of Florida did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, exhibit to the Senate Articles of Impeachment against you, the said \_\_\_\_\_, in the words following:

(Here insert the Articles.)

And demand that you, the said \_\_\_\_\_, should be put up to answer the accusations as set forth in said Articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to the law and justice.

You, the said \_\_\_\_\_, are therefore hereby summoned to be and appear before the Senate of the State of Florida, at their chamber, in the City of Tallahassee, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at 11:00 o'clock A. M., then and there to answer to the said Articles of Impeachment, and then and there to abide by, obey and perform such orders, directions and judgments as the Senate of the State of Florida shall make in the premises according to the Constitution and laws of the State of Florida.

Hereof you are not to fail.

Witness \_\_\_\_\_ and presiding officer of the said Senate at the City of Tallahassee, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, 19\_\_\_\_\_.

F. Form of precept to be endorsed on said writ of summons:

The State of Florida, to \_\_\_\_\_,  
greeting:

You are hereby commanded to deliver to and leave with \_\_\_\_\_, if conveniently to be found, or, if not, to leave at his usual place of abode, or his usual place of business, in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service let it be done at least one day before the appearance day mentioned in said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in the said writ of summons.

Witness \_\_\_\_\_ and presiding officer of the Senate, at the City of Tallahassee, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord 19\_\_\_\_\_.

All process shall be served by the Sergeant-at-Arms of the Senate, unless otherwise ordered by the court.

25. If the Senate shall at any time fail to sit for the consideration of Articles of Impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming and consideration.

26. The Senate may, at its pleasure, by a majority vote, adjourn the hearing of the case and hear same in the hall of the House of Representatives.

27. There may be admitted to the floor of the Senate, when sitting as a court of impeachment, only the Chief Justice of the Supreme Court of Florida and his assistants, the Senators, the Secretary of the Senate and his assistants, the Sergeant-at-Arms and his assistants, the defendant and his attorney or attorneys, the House Managers and their attorneys, authorized members of the press, necessary court reporters, and witnesses called to testify in the case.

28. Admissions to the Center Section of the Gallery shall be by admission card only.

29. The taking of pictures, photographs, tape and other recordings, including movies, television and other pictures, and similar devices, are prohibited in the Senate Chamber while the Court is in Session. This rule shall not prevent the use of recording instruments by reporters making a record or transcript of the proceedings as a public record.

30. If necessary to meet the ends of justice, rules may be amended, or new rules may be adopted by a majority vote of the members of the Senate present.

31. The Senate, sitting as a Court of Impeachment, may recess for a period of time on any trial day upon motion adopted by a majority vote of the members present.

32. After testimony has commenced, in case of emergency, any member of the Senate may be excused from further duty in the Impeachment proceedings upon his request therefor being approved by a majority vote of the members of the Senate present, and upon being excused shall not further participate in said proceedings. Any such Senator shall file his reasons for his request to be excused in writing with the Secretary of the Senate and the same shall be incorporated in the transcript of the record. His absence shall not affect the results of the trial.

Respectfully submitted,

W. T. DAVIS  
S. D. CLARKE  
JOHN RAWLS

Senator Davis moved the adoption of the rules.

Pending consideration of the motion made by Senator Davis, Senator Stenstrom moved that rule 12 of the proposed rules be amended to provide that the Senate shall meet from 9:00 o'clock A. M., to 12:00 o'clock Noon; and from 1:00 o'clock P. M., to 5:00 o'clock P. M., on Mondays through Fridays, subject to the Senate deciding to meet on Saturdays by a majority vote.

The question was put on the motion made by Senator Stenstrom.

The motion was not agreed to and failed of adoption.

The question recurred on the motion made by Senator Davis.

Which was agreed to and the rules of procedure and practice of the Senate while sitting on the trial of impeachments, as read, were adopted.

Senator Davis moved that the Senate proceed to organize the body as a Court of Impeachment to try the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, on the Article of Impeachment preferred against him by the House of Representatives as originally exhibited to the Senate on Tuesday, May 28, 1957, under authority of House Resolution No. 1942, House Resolution No. 1945 and House Resolution No. 1947, Regular Session of 1957, Florida Legislature, and upon which order was taken, that this body convene at 11:00 o'clock A. M., July 8, 1957, for the purpose of said trial, as set forth in the Journals of the Senate of Tuesday, May 28, 1957, and Saturday, June 8, 1957.

The motion was agreed to.

Senator Davis moved that a committee of three be appointed to wait upon the Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida, to inform him that the Senate stands ready to organize as a Court of Impeachment and respectfully requests his presence for the purpose of presiding over the Senate during the consideration of said Article for the trial of the Honorable George E. Holt.

The motion was agreed to and the President appointed Senators Johnson, Eaton and Rodgers as the committee.

The committee withdrew.

At 11:56 o'clock A. M., the committee escorted the Chief Justice of the Supreme Court of Florida into the Senate Chamber, accompanied by the Honorable Campbell Thornal, Associate Justice of the Supreme Court of Florida.

The Chief Justice took the Chair and said:

"Senators—I attend the Senate in obedience to your notice for the purpose of joining with you in forming a court of impeachment for the trial of the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, and I am now ready to take the oath."

The oath was administered to the Chief Justice, Honorable Glenn Terrell, by Associate Justice Campbell Thornal in the following words:

"I solemnly swear (or affirm, as the case may be), that in all things appertaining to the trial of the impeachment of the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, now pending, I will do impartial justice according to the Constitution and Laws of the State of Florida; so help me God."

The Chief Justice:

"Senators, the oath will now be administered to you and you will please stand as your names are called and remain standing as the oath is administered."

The Secretary of the Senate proceeded to call the roll of the Senators in alphabetical order and the Chief Justice administered the oath to Senators Barber, Beall, Belser, Bishop, Brackin, Branch, Bronson, Cabot, Carlton, Carraway, Clarke, Connor, Davis, Dickinson, Eaton, Edwards, Gautier, Getzen, Hair, Hodges, Houghton, Johns, Johnson, Kelly, Kickliter, Knight, Morgan, Neblett, Pearce, Pope, Rawls, Rodgers, Shands and Stenstrom in the following words:

"I solemnly swear that in all things appertaining to the trial of the impeachment of the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, now pending, I will do impartial justice according to the Constitution and Laws of the State of Florida; so help me God."

The Chief Justice then administered the following oath to Robt. W. Davis, Secretary of the Senate:

"I do solemnly swear that I will faithfully and impartially perform the duties of Secretary to the Senate of the State of Florida, sitting as a Court of Impeachment in the trial of the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, now pending, and true and faithful record make of the same, so help me God."

The Chief Justice then administered the following oath to LeRoy Adkison, Sergeant-at-Arms of the Senate:

"I do solemnly swear that I will faithfully and impartially perform the duties of Sergeant-at-Arms to the Senate of the State of Florida, sitting as a Court of Impeachment in the trial of the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, now pending, so help me God."

At the direction of the Chief Justice the Sergeant-at-Arms made the following proclamation:

"Hear ye! Hear ye! Hear ye!"

"All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the State of Florida is sitting for the trial of Article of Impeachment exhibited by the House of Representatives against the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida."

Senator Davis moved that the rules of procedure and practice in the Senate when sitting on the trial of impeachments adopted by the Senate, this day, be adopted by the Court of Impeachment.

The motion was agreed to and the rules were adopted.

The following order was asked for by Senator Davis:

Ordered: That the Secretary of the Senate notify the Managers for the House of Representatives that the Senate is now organized for the trial of the Article of Impeachment against the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, and is ready to receive the Managers of the impeachment at the bar of the Senate.

Senator Davis moved the adoption of the order.

The motion was agreed to and the order was adopted.

The Secretary of the Senate withdrew to notify the Managers.

The committee appointed by the House of Representatives to conduct the impeachment trial against the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, composed of Honorable Thos. D. Beasley and Honorable Andrew J. Musselman, Jr., Managers, on the part of the House of Representatives appeared in the Senate Chamber, accompanied by their Attorneys, Honorable W. D. Hopkins and Honorable Paul Johnson, and were seated.

Senator Davis announced that he had been informed by counsel for the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, that the said George E. Holt, by counsel, wished to waive the issuance and service of a writ of summons, and that he would appear in the Senate Chamber upon being notified that the Senate was ready to receive him.

Senator Davis then moved that the Secretary of the Senate be instructed to notify the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, that the Senate was organized as a Court of Impeachment and ready to receive him at the bar of the Senate.

The Secretary withdrew from the Senate Chamber, reappeared shortly thereafter and reported to the Presiding Officer that he had reached the Honorable George E. Holt at a local hotel, notified him that the Senate was ready to receive him, and that the Honorable George E. Holt requested him to advise the Court that he would immediately proceed to the Chamber.

At 12:33 o'clock P. M., the Honorable George E. Holt appeared at the bar of the Senate accompanied by his attorneys, Honorable Richard H. Hunt, Honorable William C. Pierce and Honorable Glenn E. Summers, and they were seated.

By direction of the Presiding Officer the Secretary of the Senate read the following Article of Impeachment:

#### ARTICLES OF IMPEACHMENT

Articles of Impeachment of the House of Representatives of the State of Florida, in the name of themselves, and all of the people of the State of Florida against George E. Holt, who was heretofore elected, duly qualified and commissioned to serve as a Circuit Judge of the Eleventh Judicial Circuit of Florida.

#### ARTICLE I

The said George E. Holt, while holding the office of Circuit Judge for the Eleventh Judicial Circuit of Florida, having been duly elected, qualified and commissioned as such judge and while acting as such judge was guilty of misdemeanor in office in the manner and form as follows, to-wit:

The reasonable and probable consequences of the actions and conduct of George E. Holt hereunder specified and indicated in this article since he became judge of said court, as an individual, or as said judge, or both, has been such as to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the state judiciary and to render him unfit to continue to serve as such judge, did:

(a) Accept favors from attorneys practicing before his court.

(b) Permit his personal relationships with individuals to unduly and improperly influence his judicial appointments and the allowance of fees to such appointees.

(c) Borrow money from an attorney practicing before his court.

- (d) Award excessive and unnecessary fees.
- (e) Accept gifts from attorneys practicing before his court.
- (f) Flagrantly violate certain provisions of the Code of Ethics governing judges as adopted by the Supreme Court of Florida.

WHEREFORE, the said George E. Holt was and is guilty of misbehavior and misdemeanor in office.

Section 2. That in addition to the copy furnished to the Senate of the State of Florida, the Chief Justice of the Supreme Court and Judge George E. Holt also be transmitted a copy of this resolution.

The Respondent, by counsel, waived the issuance and service upon him of a writ of summons and filed the following Appearance of Respondent and Counsel which, by direction of the Presiding Officer, was read by the Secretary of the Senate:

**IN THE SENATE OF THE STATE  
OF FLORIDA SITTING AS A  
COURT OF IMPEACHMENT**

IN RE: )  
IMPEACHMENT OF )  
CIRCUIT JUDGE GEORGE E. HOLT )  
APPEARANCE OF RESPONDENT AND COUNSEL

COMES NOW the respondent, GEORGE E. HOLT, Judge of the Circuit Court of the Eleventh Judicial Circuit of Florida, accompanied by his counsel, RICHARD H. HUNT, WILLIAM C. PIERCE, and GLENN E. SUMMERS, and enters his appearance before the Bar of the Senate of the State of Florida, sitting as a High Court of Impeachment for the trial of respondent upon an alleged article of impeachment preferred by the House of Representatives at the 1957 Session of the Florida Legislature.

DATED this July 8, 1957.

**GEORGE E. HOLT  
RESPONDENT**

**RICHARD H. HUNT  
WM. C. PIERCE  
GLENN E. SUMMERS**  
Of Counsel

The Following Motion to Strike and Dismiss Article of Impeachment was filed with the Senate and, by direction of the Presiding Officer, was read by the Secretary of the Senate:

**IN THE SENATE OF THE STATE  
OF FLORIDA SITTING AS A  
COURT OF IMPEACHMENT.**

IN RE. )  
IMPEACHMENT OF )  
CIRCUIT JUDGE GEORGE E. HOLT. )  
MOTION TO STRIKE AND DISMISS ARTICLE  
OF IMPEACHMENT

COMES NOW GEORGE E. HOLT, the respondent herein, appearing in propria persona and by counsel undersigned, and respectfully moves the honorable Senate of the State of Florida, sitting as a court of impeachment, to enter an order striking the article of impeachment, dismissing the proceedings, and discharging the respondent upon the following grounds:

1. The single article of impeachment fails to charge misdemeanor in office within the purview and meaning of Article 3, Section 29, of the Constitution of Florida in that it fails to charge this respondent with the violation of any duty imposed by law.
2. The article of impeachment aforesaid fails to charge respondent with an impeachable offense under the laws and the Constitution of Florida.
3. The article of impeachment aforesaid is so vague, ambiguous, indefinite and uncertain in terms, and constructed in such general, loose, and uninformative allegations and

unsupported conclusions of the pleader as to embarrass, impede and prejudice the respondent in the preparation of a proper defense thereto, and therefore deprives respondent of fundamental rights secured to him under Sections 11 and 12 of the Declaration of Rights of the Florida Constitution and as guaranteed to him by the 14th Amendment to the Constitution of the United States.

4. The purported specifications, (a) to (f), and each and all of them, designated as the basis for impeachment, fail to show or allege a violation of a duty imposed on this respondent as a Circuit Judge, either under the common law or any statutory or constitutional law of the State of Florida.

5. To remove this respondent from the office to which he was appointed in the year 1941 and to which he has been re-elected by the voters on two successive occasions upon the basis of the vague and unsupported conclusions set forth in the article would violate Section 12 of the Declaration of Rights of the Constitution of Florida and would deprive respondent of his right to office without due process of law as guaranteed by the 14th Amendment to the Constitution of the United States.

**GEORGE E. HOLT**  
Respondent

**RICHARD H. HUNT  
WM. C. PIERCE  
GLENN E. SUMMERS**  
Of Counsel.

Mr. Manager Beasley, on the part of the House of Representatives, submitted to the Senate the following Bill of Particulars and, by direction of the Presiding Officer the same was read by the Secretary of the Senate:

IN RE: THE MATTER OF THE IMPEACHMENT  
OF GEORGE E. HOLT, CIRCUIT JUDGE OF  
THE ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA.

**BILL OF PARTICULARS**

The undersigned Managers of the House of Representatives appointed by the Speaker of the House under and by virtue of the authority of House Resolution 1945 herewith submit this, their Bill of Particulars to House Resolution 1942, same being a Resolution for the impeachment of George E. Holt, Circuit Judge in and for the Eleventh Judicial Circuit of Florida, as follows:

**ARTICLE I.**

Particulars as to Article I, (a): "Accept favors from attorneys practicing before his Court."

1. Thurman A. Whiteside, an attorney in Dade County, Florida and practicing before George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, on or about August 15, 1952 as a favor to the said George E. Holt paid to Circuit Judge George E. Holt, and the said Circuit Judge George E. Holt accepted from the said Thurman A. Whiteside, the sum of One Thousand One Hundred and Twenty Four Dollars and Twenty Eight Cents (\$1,124.28) as a return upon an alleged investment of Two Hundred Dollars (\$200.00) on the part of the said Circuit Judge George E. Holt in an alleged business venture with the said Thurman A. Whiteside, alleged to have been entered into on or about April 11, 1952.

2. Thurman A. Whiteside, an attorney in Dade County, Florida and practicing before George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, on or about January 22, 1954 as a favor to the said George E. Holt paid to Circuit Judge George E. Holt, and the said Circuit Judge George E. Holt accepted from the said Thurman A. Whiteside, the sum of Two Thousand Eight Hundred Dollars (\$2,800.00) as an advancement on an alleged investment of Two Hundred Fifty Dollars (\$250.00) on the part of the said Circuit Judge George E. Holt in an alleged business venture with the said Thurman A. Whiteside, alleged to have been entered into on or about January, 1953; and further said Thurman A. Whiteside did, on or about June 4, 1956, pay to the said Circuit Judge George E. Holt, and the said Circuit Judge George E. Holt accepted from the said Thurman A. Whiteside, an additional sum of Fifty Seven Dollars and Forty Five Cents (\$57.45) on account of the said alleged business investment.

3. Thurman A. Whiteside, an attorney in Dade County, Florida and practicing before George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, at the request of, and as a favor to, Circuit Judge George E. Holt arranged for the purchase of a Jaguar automobile from Waco Motors, Inc. of Miami, Florida, a client of the said Thurman A. Whiteside, at a discount below the regular retail price of said Jaguar automobile; that as a result of said favor and arrangements aforesaid, the purchase of said Jaguar automobile was made on or about June 6, 1955, and title to said Jaguar automobile was taken in the name of James F. Holt, brother of the said Circuit Judge George E. Holt.

4. Thurman A. Whiteside, an attorney in Dade County, Florida and practicing before George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, at the request of, and as a favor to, Circuit Judge George E. Holt, arranged for the purchase of a Jaguar automobile from Waco Motors, Inc., of Miami, Florida, a client of the said Thurman A. Whiteside, at a discount below the regular retail price of said Jaguar automobile; that as a result of said favor and arrangements aforesaid, the purchase of said Jaguar automobile was made on or about July 9, 1955, and title to said Jaguar automobile was taken in the name of Christine F. Holt, wife of the said Circuit Judge George E. Holt.

5. Joseph J. Gersten, an attorney in Dade County, Florida and practicing before George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, at the request of, and as a favor, to Circuit Judge George E. Holt, arranged for the said Circuit Judge George E. Holt to purchase a certain Plymouth automobile from Christopher Motors of Miami, Florida at a discount below the regular retail price, which purchase was made on or about January 27, 1955, title to said automobile being taken in the name of Christine F. Holt, the wife of the said Circuit Judge George E. Holt.

6. Joseph J. Gersten, an attorney in Dade County, Florida and practicing before George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, at the request of, and as a favor to, Circuit Judge George E. Holt, furnished to the said Circuit Judge George E. Holt, and the said Circuit Judge George E. Holt accepted from the said Joseph J. Gersten, the sum of Two Thousand One Hundred Eighty Five Dollars (\$2,185.00) for the purchase of one certain Plymouth automobile from Christopher Motors of Miami, Florida, which purchase was made on or about January 27, 1955, title to said automobile being taken in the name of Christine F. Holt, the wife of the said Circuit Judge George E. Holt.

7. Joseph A. Perkins, an attorney in Dade County, Florida and practicing before George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida, at the request of, and as a favor to, Circuit Judge George E. Holt, arranged a trip from Miami to Haiti for a party including the said Circuit Judge George E. Holt and Mrs. Holt, and the said Joseph A. Perkins and Mrs. Perkins. Arrangements for the purchase of airplane tickets for said trip and reservations of accommodations for the party at the Hotel Riviera de Haiti in Port au Prince, Haiti were made by the said Joseph A. Perkins through one R. Paul Weesner, owner of the said Hotel Riviera de Haiti in Port au Prince, Haiti. That the said R. Paul Weesner at the time of said trip was a client of the said Joseph A. Perkins and was then and there being represented by the said Joseph A. Perkins in a cause pending before the said Circuit Judge George E. Holt in the Eleventh Judicial Circuit of Florida in and for Dade County, said cause being entitled Eagle-Star Insurance Co., Lt., vs. R. Paul Weesner and Resort Airlines, Inc.; that payment for services and accommodations at said hotel owned by the said R. Paul Weesner, including meals, taxi fares, automobile hire, side trips and dry cleaning service was not paid to the hotel but was later used as a set-off against fees due the said Joseph A. Perkins from the said R. Paul Weesner. Said trip from Miami to Haiti began on or about August 4, 1953. On January 25, 1954 Circuit Judge George E. Holt entered his final decree in said case of Eagle-Star Insurance Co., Lt., vs. R. Paul Weesner and Resort Airlines, Inc. in favor of R. Paul Weesner and Resort Airlines, Inc. and finding that they were entitled to the approximate sum of \$81,000.00 which was involved in the litigation.

Particulars as to Article I, (b): "Permit his personal relationships with individuals to unduly and improperly influence his judicial appointments and the allowance of fees to such appointees."

1. That on or about January 18, 1954, Circuit Judge George E. Holt appointed one L. J. Kurlan receiver for the Belmont Park Motel in a case styled First Federal Savings & Loan Association vs. Brower, et ux, et al., and while said receivership was pending, said Circuit Judge George E. Holt, on or about April 15, 1954, appointed said L. J. Kurlan as receiver for Variety Hotel in a case styled Elliot vs. Mayflower Associates, Inc., which said receivership terminated in July, 1954, and for which receivership said L. J. Kurlan was awarded the sum of Five Thousand Dollars (\$5,000.00) by Circuit Judge George E. Holt. That shortly thereafter, on or about July 29, 1954, Circuit Judge George E. Holt, Mrs. Holt and their son departed on a trip to Europe accompanied by said L. J. Kurlan and wife, and returned on or about September 7, 1954. That shortly after Circuit Judge George E. Holt and the said L. J. Kurlan returned from Europe Circuit Judge George E. Holt terminated the receivership of the Belmont Park Motel and awarded the said L. J. Kurlan a fee of Ten Thousand Dollars (\$10,000.00). That subsequent thereto, on or about October 25, 1954, Circuit Judge George E. Holt appointed the said L. J. Kurlan as receiver for the Salem Inn in a certain case styled Perriau, et ux, vs. Czaplicki, and terminated said receivership on or about February of 1955, and awarded said L. J. Kurlan a fee of One Thousand Dollars (\$1,000.00). That subsequent thereto and on or about May 25, 1955 Circuit Judge George E. Holt appointed the said L. J. Kurlan receiver for the Flame Restaurant in a case styled Harvey vs. Jones, Jr., et al., and terminated said receivership on or about June 16, 1955, and awarded a fee to the said L. J. Kurlan of Two Thousand Two Hundred (\$2,200.00) Dollars. And that during the pendency of said receivership, Circuit Judge George E. Holt appointed the said L. J. Kurlan receiver for St. Lucie River Company, which case is styled Basso vs. Basso, which case subsequently was transferred to the United States District Court. And that on or about December of 1955, Circuit Judge George E. Holt awarded to said L. J. Kurlan a fee of Eight Thousand Five Hundred Dollars (\$8,500.00) for services as a receiver for the Oceanic Villas in a case styled Mercantile National Bank of Miami Beach vs. Malloy, et al., which receivership lasted from on or about June 1, 1955 to on or about December, 1955. That although the said Circuit Judge George E. Holt allowed large and numerous receivership fees to the said L. J. Kurlan, there is considerable question as to the qualifications of the said L. J. Kurlan to act as receiver of said properties by reason of training and experience. That the said Circuit Judge George E. Holt permitted his personal relationships with the said L. J. Kurlan to unduly and improperly influence his judicial appointments and allowance of fees to the said L. J. Kurlan.

2. That Circuit Judge George E. Holt was a close personal friend to one Sidney W. Langer, and that on or about July 9, 1955, at the request of the said Circuit Judge George E. Holt, the said Sidney W. Langer borrowed Two Thousand Seven Hundred Dollars (\$2,700.00) in order to furnish the said Circuit Judge George E. Holt money with which to purchase a Jaguar automobile, and the said Circuit Judge George E. Holt did accept said sum of money from the said Sidney W. Langer. That over a period of years Circuit Judge George E. Holt appointed said Sidney W. Langer to a number of receiverships and awarded numerous fees to said Sidney W. Langer. That the said Circuit Judge George E. Holt permitted his personal relationships with the said Sidney W. Langer to unduly and improperly influence his judicial appointments and allowance of fees to the said Sidney W. Langer.

3. That on or about June 22, 1954 the said Circuit Judge George E. Holt appointed John W. Prunty, a close personal friend of Judge George E. Holt, and law partner of Thurman A. Whiteside, as co-curator of the estate of Jewell Alvin Dowling, Incompetent, from which curatorship a total fee in the amount of approximately \$32,262.38 was awarded to the said John W. Prunty by the said Circuit Judge George E. Holt. That the said Circuit Judge George E. Holt permitted his personal relationships with the said John W. Prunty to unduly and improperly influence his judicial appointments and allowance of fees to the said John W. Prunty.

4. That on or about January 27, 1955 one Joseph J. Gersten furnished to the said Circuit Judge George E. Holt the sum of Two Thousand One Hundred Eighty Five Dollars (\$2,185.00) in order to enable said Circuit Judge George E. Holt to purchase a certain Plymouth automobile. That subsequent thereto, on or about March 25, 1955, Circuit Judge George E. Holt appointed said Joseph J. Gersten as Guardian Ad Litem



in the case of E. Vose Babcock, Jr., a Curatorship, and awarded to said Joseph J. Gersten a fee in the sum of One Thousand Dollars (\$1,000.00). That the said Circuit Judge George E. Holt permitted his personal relationships with the said Joseph J. Gersten to unduly and improperly influence his judicial appointments and allowance of fees to the said Joseph J. Gersten.

Particulars as to Article I, (c): "Borrow money from an attorney practicing before his Court."

1. That Circuit Judge George E. Holt, on or about January 27, 1955, borrowed from one Joseph J. Gersten, an attorney practicing before the said Circuit Judge George E. Holt in the Circuit Court of the Eleventh Judicial Circuit, the sum of Two Thousand One Hundred Eighty Five Dollars (\$2,185.00).

Particulars as to Article I, (d): "Award excessive and unnecessary fees."

1. On or about May, 1955 Circuit Judge George E. Holt appointed one L. J. Kurlan as receiver for the Flame Restaurant in a certain cause pending in the Circuit Court of the Eleventh Judicial Circuit styled Harvey vs. Jones, Jr., et al., and for the services of the said L. J. Kurlan for a period of approximately three weeks awarded the said L. J. Kurlan a fee in the sum of Two Thousand Two Hundred Dollars (\$2,200.00). That although one of the defendants requested the opportunity to post supersedeas bond and make the services of the receiver unnecessary same was refused by the said Circuit Judge George E. Holt, and such receivership continued until the Supreme Court reversed the order of the said Circuit Judge George E. Holt. That the awarding of said fee to the said L. J. Kurlan was excessive and unnecessary.

2. That on or about the 30th day of July, 1953, in the case of Henry Ivan Stengel, et al, Petitioners, vs. Annie May Stengel and Karl Raymond Stengel, Circuit Judge George E. Holt appointed one Daniel Neal Heller Curator of the property of Annie May Stengel, an incompetent. Said Curator acquired possession of and sold all assets in said estate leaving a net amount in cash in the hands of the Curator in said matter of approximately Five Thousand Three Hundred Twelve Dollars and Seventy One Cents (\$5,312.71). That on or about December 18, 1953 the said Circuit Judge George E. Holt entered an order in said cause awarding to George C. McCaughan, attorney for Petitioners and Curator, Six Thousand Dollars (\$6,000.00) as fee for services performed in said matter, and further ordered that Daniel Neal Heller, Curator for Annie May Stengel, incompetent, pay to the said George C. McCaughan from the net funds in his possession as such Curator so much of the aforesaid fee as he is able to, reserving one-half of said funds for the further order of the court, and further ordered that the said George C. McCaughan shall be entitled to a final judgment against Inez Stengel Gay, Henry Ivan Stengel, Karl Raymond Stengel, and Annie May Stengel, incompetent, jointly and severally, for such amount remaining due and owing on attorney's fee after payment has been made by the Curator from the funds in his possession. That the said George E. Holt, Circuit Judge, on or about the 22nd day of December, 1953, entered an order in said cause awarding Daniel Neal Heller, as Curator, the sum of Ten Thousand Dollars (\$10,000.00) for fees as such Curator, and ordered said Curator to pay all the net funds in his hands as Curator, to-wit: Five Thousand Three Hundred Twelve Dollars and Seventy One Cents (\$5,312.71), one-half to George C. McCaughan pursuant to the court order, and one-half to said Curator, and further ordered that the said Daniel Neal Heller shall be entitled to final judgment against Annie May Stengel, an incompetent, Henry Ivan Stengel, Inez Stengel Gay, and Karl Raymond Stengel, jointly and severally, for such amount remaining due and owing on the aforesaid curator's fee after payment has been made by the Curator from the funds in his possession. That on September 18, 1953 John C. Sullivan and Benjamin Carey withdrew as attorneys for Karl Raymond Stengel and Circuit Judge George E. Holt ordered that said Karl Raymond Stengel pay the sum of Five Hundred Dollars (\$500.00) as attorneys' fees to said attorneys and declared a lien in said amount against Karl Raymond Stengel's distributive share of the property of said Annie May Stengel, incompetent. That on or about September 21, 1953 one Lloyd A. Towle entered an appearance in said cause as attorney for Karl Raymond Stengel and on or about February 24, 1954 the said Lloyd A. Towle filed a petition for allowance of fee and petition to withdraw as counsel for Karl Raymond Stengel and Henry Ivan Sten-

gel, and on March 2, 1954, pursuant thereto, Circuit Judge George E. Holt entered an order allowing the said Lloyd A. Towle the sum of Four Thousand Dollars (\$4,000.00) for services rendered to Henry Ivan Stengel and Karl Raymond Stengel, and further ordered that said attorney, Lloyd A. Towle, was entitled to final judgment against said parties, Henry Ivan Stengel and Karl Raymond Stengel, in the amount of Four Thousand Dollars (\$4,000.00).

After payment of expenses, exclusive of fees to attorneys and curators, there was a net amount in the estate of Annie May Stengel in Florida after the sale of the home, birds, and antique furniture of the said Annie May Stengel, the sum of Five Thousand Three Hundred and Twelve Dollars and Seventy One Cents (\$5,312.71). With this net amount in the estate, Circuit Judge George E. Holt allowed the following fees:

To George C. McCaughan, Attorney.....	\$ 6,000.00
To Lloyd A. Towle, Attorney.....	4,000.00
To Daniel Neal Heller, Curator.....	10,000.00
To Sullivan & Carey, Attorneys.....	500.00

That after applying the net of said estate of Five Thousand Three Hundred and Twelve Dollars and Seventy One Cents (\$5,312.71) to the payment of said fees, a deficiency judgment was entered by the said Circuit Judge George E. Holt in favor of said attorneys and curator for the deficiency.

That an accounting in said curatorship matter, as finally concluded, is approximately as follows:

Net assets, after payment of expenses except attorneys and curator fees	\$5,312.71
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Less fees as follows:

To George C. McCaughan, Attorney	6,000.00
To Lloyd A. Towle, Attorney	4,000.00
To Daniel Neal Heller, Curator	10,000.00
To Sullivan & Carey, Attorneys	500.00
	<hr/> 20,500.00

Net deficit incurred on account of Curatorship	\$15,187.29
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That the awarding of said fees by the said George E. Holt, Circuit Judge, was excessive and unnecessary.

3. On March 18, 1954 in response to a petition filed for appointment of curator in the matter of the application for the appointment of a curator for Jewell Alvin Dowling, alleged incompetent, Circuit Judge George E. Holt did appoint one Daniel Neal Heller guardian ad litem for the alleged incompetent, making said appointment on the same day upon which said petition was filed by the wife of the said Jewell Alvin Dowling, to-wit: one Ina I. Dowling. Said order of March 18, 1954 also appointed physicians to determine the question of incompetency. On March 23, 1954 in the same proceedings, the said Circuit Judge George E. Holt, Circuit Judge, appointed one J. J. Perlmutter receiver for the estate of Jewell Alvin Dowling, alleged incompetent. On June 22, 1954 the said George E. Holt, Circuit Judge, appointed two curators, to-wit: Daniel Neal Heller and John W. Prunty, of the estate of Jewell Alvin Dowling. The attorneys representing the petitioner Ina I. Dowling were the firm of Lane, Muir, Wakefield, Frazier and Lane; the attorneys for the alleged incompetent were Warren, Klein, Lehrman, Shoreinstein and Kline. On October 21, 1954, the said Circuit Judge George E. Holt entered his order awarding the following fees, to-wit:

Lane, Muir, Wakefield, Frazier & Lane Attorneys for Petitioner Ina I. Dowling	\$ 2,500.00
Warren, Klein, Lehrman, Shoreinstein & Kline Attorneys for the adjudged incompetent Jewell Alvin Dowling	8,000.00
Julius J. Perlmutter, Receiver	6,500.00
Stanley S. Stein, Attorney for Receiver	2,500.00
Daniel Neal Heller, Guardian Ad Litem	3,000.00
Sidney Wasserman, Certified Public Accountant for Receiver	1,000.00
Paul Kells, M.D., Examining Physician	1,175.00
Jess Spirer, Ph.D., Examining Physician	50.00
James L. Anderson, M.D., Examining Physician	300.00

Total \$25,025.00

On January 4, 1955 the Curators of the Jewell Alvin Dowling

ing estate aforesaid, to-wit: Daniel Neal Heller and John W. Prunty filed a petition for the appointment of a curator of the estate of Ina I. Dowling, alleged incompetent. On the same date, to-wit: January 4, 1955, the said George E. Holt, Circuit Judge, appointed John W. Wright, guardian ad litem for Ina I. Dowling, alleged incompetent. On January 7, 1955 in response to the petition of curators of Jewell Alvin Dowling, incompetent, hereinabove immediately set forth, the said George E. Holt, Circuit Judge, did appoint Daniel Neal Heller and John W. Prunty as co-curators of the estate of Ina I. Dowling, incompetent. On January 27, 1955, the said Circuit Judge George E. Holt, in response to a petition of the co-curators of the estate of Ina I. Dowling, incompetent, did enter his order awarding to the said Daniel Neal Heller and John W. Prunty as curators of the estate of Ina I. Dowling, incompetent, the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) each, or the total of Fifteen Thousand Dollars (\$15,000.00) for their services in procuring curators of the estate of Ina I. Dowling, and for their services rendered with reference to the estate of the said Ina I. Dowling, to date. Also, on the same date, the said Circuit Judge George E. Holt did, by his order, award the said John W. Wright for his services as guardian ad litem for Ina I. Dowling the sum of Two Thousand Dollars (\$2,000.00). In addition thereto, by his order dated January 27, 1955 the said George E. Holt, Circuit Judge, awarded to each of the co-curators of the estate of Jewell Alvin Dowling, to-wit: Daniel Neal Heller and John W. Prunty, the sum of Five Thousand Dollars (\$5,000.00) each, or a total of Ten Thousand Dollars (\$10,000.00) for their services from June 29, 1954 through December 31, 1954. On March 9, 1955 in response to a petition filed by the co-curators of the estate of Jewell Alvin Dowling, to-wit: Daniel Neal Heller and John W. Prunty, the said George E. Holt, Circuit Judge, did award the sum of Fifteen Thousand Dollars (\$15,000.00) each to the said co-curators, or a total of Thirty Thousand Dollars (\$30,000.00) for their services from January 1, 1955 to date of order, to-wit: March 9, 1955. On June 8, 1955 the said George E. Holt, Circuit Judge, entered his order awarding to John W. Wright as guardian ad litem of the estate of Ina I. Dowling, incompetent, the sum of Nine Hundred Fifty Dollars (\$950.00). On June 9, 1955 the co-curators, to-wit: Daniel Neal Heller and John W. Prunty, were allowed by order of the said Circuit Judge George E. Holt the sum of Four Thousand Seven Hundred Sixty Two Dollars and Thirty Eight Cents (\$4,762.38) each, or a total of Nine Thousand Five Hundred Twenty Four Dollars and Seventy Six Cents (\$9,524.76) as and for their final reimbursement for costs, expenses and fees. That on the 25th day of May, 1955, Jewell Alvin Dowling, incompetent, died, thus ending the duties of the co-curators of the estate of Jewell Alvin Dowling, deceased, but that the curatorship of the estate of Ina I. Dowling, incompetent continues as of this date, the said John W. Prunty having been relieved from his duties as co-curator upon his appointment as Circuit Judge. That John W. Prunty received as fees under order of George E. Holt, Circuit Judge, the sum of Thirty Two Thousand, Two Hundred Sixty Two Dollars and Thirty Eight Cents (\$32,262.38) as one of the two curators of both the estate of Jewell Alvin Dowling, incompetent and Ina I. Dowling, incompetent. That Daniel Neal Heller was awarded by order of George E. Holt, Circuit Judge, the sum of Thirty Two Thousand Two Hundred and Sixty Two Dollars and Thirty Eight Cents (\$32,262.38) for his duties as one of two co-curators of the estates of Jewell Alvin Dowling, incompetent and Ina I. Dowling, incompetent, and in addition thereto received the additional sum of Three Thousand Dollars (\$3,000.00) for his duties under his appointment as guardian ad litem for the estate of Jewell Alvin Dowling. That John W. Wright received under order of the said George E. Holt, Circuit Judge, the sum of Two Thousand Nine Hundred Fifty Dollars (\$2,950.00) for serving as guardian ad litem for the estate of Ina I. Dowling, incompetent. And the said George E. Holt, Circuit Judge, did, by order of Court, award a total of Ninety Two Thousand Four Hundred Ninety Nine Dollars and Seventy Six Cents (\$92,499.76) as and for compensation for the parties hereinabove immediately set forth, the receiver Perlmutter, the receiver's attorney, the receiver's certified public accountant, and others, all of said fees being excessive and unnecessary.

4. That on or about January 18, 1954, the said Circuit Judge George E. Holt appointed L. J. Kurlan receiver for the Belmont Park Motel in a certain cause styled First Federal Savings and Loan Association vs. Brower, et ux, et al. That said receivership lasted from on or about January 18, 1954 to

the last of September, 1954. That the said George E. Holt, Circuit Judge, awarded the said receiver, L. J. Kurlan, for services in said cause, the sum of Ten Thousand Dollars (\$10,000.00), although said receiver, L. J. Kurlan, was out of the country and unable to attend to the duties of receiver in said matter from on or about July 28, 1954 to September 4, 1954. That the awarding of said fees by the said Circuit Judge George E. Holt was excessive and unnecessary.

5. That on or about April 15, 1954, the said Circuit Judge George E. Holt appointed one L. J. Kurlan as receiver for the Variety Hotel in a cause styled Elliot vs. Mayflower Associates, Inc. That said receivership lasted approximately two and one-half months and that the said L. J. Kurlan was, at said time, acting as receiver for another motel under appointment by the said George E. Holt, Circuit Judge, but was awarded fees for the receivership of said Variety Hotel in the sum of Five Thousand Dollars (\$5,000.00). That the awarding of said fees by the said George E. Holt, Circuit Judge, was excessive and unnecessary.

6. That the said George E. Holt, Circuit Judge, on or about October 25, 1954, appointed one L. J. Kurlan as receiver for the Salem Inn in a cause pending before said Circuit Judge George E. Holt styled Perriau, et ux, vs. Czaplicki. That said receivership lasted from on or about October 25, 1954 to February, 1955. That said George E. Holt, Circuit Judge, awarded said L. J. Kurlan, as receiver, for services, the sum of One Thousand Dollars (\$1,000.00). That the awarding of said fees by the said George E. Holt, Circuit Judge, was excessive and unnecessary.

7. That on or about December, 1955, the said Circuit Judge George E. Holt awarded one L. J. Kurlan as receiver a fee of Eight Thousand Five Hundred Dollars (\$8,500.00) for acting as receiver of the Oceanic Villas in the case of Mercantile National Bank of Miami Beach vs. Malloy, et al. That said receivership lasted from on or about June 1, 1955 to December, 1955. That the awarding of said fees by the said George E. Holt, Circuit Judge, was excessive and unnecessary.

8. That the said George E. Holt, Circuit Judge, on or about the year 1950 in the case involving Aline Adams, the same being a case of Curatorship, entered an order or orders awarding approximately Thirty Thousand Dollars (\$30,000.00) in fees. That the awarding of said fees by the said George E. Holt, Circuit Judge, was excessive and unnecessary.

9. That the said George E. Holt, Circuit Judge, on or about the years 1951 or 1952, in the case of Peoples Water & Gas Company vs. City of Miami Beach, Florida, approved fees for attorneys in said cause of approximately One Hundred Sixteen Thousand Eight Hundred Thirty Two Dollars and Eighty Cents (\$16,832.80). That the approval of said fees by the said George E. Holt, Circuit Judge, was excessive and unnecessary.

Particulars as to Article I, (e): "Accept gifts from attorneys practicing before his Court."

1. That between the dates of December 20, 1955 and January 18, 1956 the said Circuit Judge George E. Holt accepted from one Morton Rothenberg, an attorney of Dade County, Florida practicing before the said Circuit Judge George E. Holt in the Eleventh Judicial Circuit of Florida, a gift consisting of robe and pajamas, of the approximate value of Forty Dollars (\$40.00); that the said Circuit Judge George E. Holt also accepted from the said Morton Rothenberg at various times prior thereto gifts consisting of silver-plated wine bucket, a chafing dish, steak knives, and other gifts of value.

2. That between the dates of January 1, 1953 and January 1, 1956 the said Circuit Judge George E. Holt accepted from one John W. Wright, an attorney of Dade County, Florida practicing before the said George E. Holt, Circuit Judge of the Eleventh Judicial Circuit, various gifts including two shirts of the value of Eleven Dollars (\$11.00) and one sport coat of the value of Thirty Five Dollars (\$35.00) and other gifts of value.

3. On one occasion the said Circuit Judge George E. Holt accepted from Joseph A. Perkins, an attorney of Dade County, Florida practicing before the said George E. Holt, Circuit Judge of the Eleventh Judicial Circuit, a gift of four bottles of whiskey.



Particulars as to Article I, (f): "Flagrantly violate certain provisions of the Code of Ethics governing judges as adopted by the Supreme Court of Florida."

1. That Circuit Judge George E. Holt violated the Canons of Judicial Ethics as adopted by the Supreme Court of Florida on January 27, 1941 and December 6, 1955, which provide in Section 4 thereof:

"AVOIDANCE OF IMPROPRIETY.—A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his every day life, should be beyond reproach",

among other things in that he did on December 20, 1955 in the City of Miami, Florida, while in a drunken condition, operate an automobile in such a reckless and careless disregard for the safety of others so as to collide with a motorcycle, seriously injuring two persons riding thereon.

2. That Circuit Judge George E. Holt violated the Canons of Judicial Ethics as adopted by the Supreme Court of Florida on January 27, 1941 and December 6, 1955, which provides in Section 12 thereof:

"APPOINTEES OF THE JUDICIARY AND THEIR COMPENSATION.—Trustees, receivers, masters, referees, guardians and other persons appointed by a judge to aid in the administration of justice should have the strictest probity and impartiality and should be selected with a view solely to their character and fitness. The power of making such appointments should not be exercised by him for personal or partisan advantage. He should not permit his appointments to be controlled by others than himself. He should also avoid nepotism and undue favoritism in his appointments. While not hesitating to fix or approve just amounts, he should be most scrupulous in granting or approving compensation for the services or charges of such appointees to avoid excessive allowances, whether or not excepted to or complained of. He cannot rid himself of this responsibility by the consent of counsel".

3. That Circuit Judge George E. Holt violated the Canons of Judicial Ethics as adopted by the Supreme Court of Florida on January 27, 1941 and December 6, 1955, which provide in Section 16 thereof:

"EX PARTE APPLICATIONS:—A judge should discourage ex parte hearings of applications for injunctions and receiverships where the order may work detriment to absent parties; he should act upon such ex parte applications only where the necessity for quick action is clearly shown; if this be demonstrated, then he should endeavor to counteract the effect of the absence of opposing counsel by a scrupulous cross-examination and investigation as to the facts and the principles of law on which the application is based, granting relief only when fully satisfied that the law permits it and the emergency demands it. He should remember that an injunction is a limitation upon the freedom of action of defendants and should not be granted lightly or inadvisedly. One applying for such relief must sustain the burden of showing clearly its necessity and this burden is increased in the absence of the party whose freedom of action is sought to be restrained even though only temporarily".

4. That Circuit Judge George E. Holt violated the Canons of Judicial Ethics as adopted by the Supreme Court of Florida on January 27, 1941 and December 6, 1955, which provide in Section 24 thereof:

"INCONSISTENT OBLIGATIONS.—A judge should not accept inconsistent duties, nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions".

5. That Circuit Judge George E. Holt violated the Canons of Judicial Ethics as adopted by the Supreme Court of Florida on January 27, 1941 and December 6, 1955, which provide in Section 26 thereof:

"PERSONAL INVESTMENTS AND RELATIONS.—A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

"He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin".

6. That Circuit Judge George E. Holt violated the Canons of Judicial Ethics as adopted by the Supreme Court of Florida on January 27, 1941 and December 6, 1955, which provide in Section 32 thereof:

"GIFTS AND FAVORS.—A judge should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment".

7. That Circuit Judge George E. Holt violated the Canons of Judicial Ethics as adopted by the Supreme Court of Florida on January 27, 1941 and December 6, 1955, which provide in Section 33 thereof:

"SOCIAL RELATIONS.—It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the Bar. He should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct".

Respectfully submitted,

THOMAS D. BEASLEY  
A. J. MUSSELMAN, JR.

MANAGERS ON THE PART OF THE  
HOUSE OF REPRESENTATIVES.

Mr. Hunt, of counsel for and on behalf of the respondent, Honorable George E. Holt, interposed objection to the filing of the Bill of Particulars by the Managers on the part of the House of Representatives, and to the distribution of copies thereof to members of the Senate.

The Chief Justice announced that the Senate, sitting as a Court of Impeachment, would hear arguments of counsel and Managers on respondent's motion to strike and dismiss Article of Impeachment, and on respondent's objection to the filing of a Bill of Particulars, upon convening on Tuesday, July 9, 1957.

Senator Davis moved that the Senate, sitting as a Court of Impeachment, adjourn to reconvene at 10:00 o'clock A. M., on Tuesday, July 9, 1957, under the rule.

The motion was agreed to and the Senate, sitting as a Court of Impeachment, adjourned at 1:33 o'clock P. M., until 10:00 o'clock A. M., Tuesday, July 9, 1957.